

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HARRY J. WHITMAN,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF  
CORRECTIONS, ELDON VAIL,  
RONALD FRAKER, BRENT CARNEY,  
JAY A. JACKSON, and JAMIE  
CALLEY,

Defendants.

No. C11-5457 BHS/KLS

ORDER GRANTING PLAINTIFF  
ADDITIONAL TIME TO RESPOND TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

On October 15, 2002, the Court granted Defendants' motion for leave to file a summary judgment motion that exceeds the 24- page limit by 8 pages. ECF No. 68. Although their brief was originally filed on August 16, 2012 and noted for September 7, 2012 (ECF No. 60), they did not seek leave for the overlength brief until October 4, 2012. ECF No. 67. The Court granted the motion because Plaintiff had been granted an extension of time until October 22, 2012 to file his response to the motion and he was allowed an equal number of excess pages in his brief. ECF No. 68.

Plaintiff's response in opposition to Defendants' motion for leave to exceed the page limit was filed on the same day as the Court's Order granting Defendants' motion. ECF No. 69. Plaintiff claims that he will be prejudiced by the granting of the motion because he will have to "re-do his response" to address the arguments contained in the last seven pages of Defendants'

1 motion. ECF No. 69, p. 3. He states that he will require additional time to file his response after  
2 the Court rules on Defendants' motion. *Id.*

3 Plaintiff was granted an extension until October 26, 2012 to file his response to the  
4 summary judgment motion. ECF No. 64. In addition, the Court has granted Plaintiff leave to  
5 file a response brief that exceeds the page limit by eight pages. However, because the Court's  
6 Order and Plaintiff's response appear to have crossed in the mail, the Court agrees that a short  
7 extension of the deadline is warranted so that Plaintiff can rework his response.  
8

9 Accordingly, it is **ORDERED**:

10 (1) Plaintiff shall file his response to Defendants' motion (ECF No. 60) **on or before**  
11 **November 12, 2012**. Defendant may file a response **on or before November 16, 2012**. The  
12 Clerk is directed to **re-note** Defendants' motion for summary judgment (ECF No. 60) for  
13 **November 16, 2012**.  
14

15 (2) The Clerk shall send copies of this Order to Plaintiff and to counsel for  
16 Defendants.

17 **DATED** this 18th day of October, 2012.

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20 Karen L. Strombom  
21 United States Magistrate Judge  
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